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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,696	12/07/2001	Joseph J. Solon	103	7649

7590 01/14/2004

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 01/14/2004

18

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner for Patents

See attachment

NOTIFICATION OF NON-COMPLIANCE WITH THE REQUIREMENTS OF 37 CFR

1.192(c)

The brief includes a statement that claims 10 and 12 do not stand or fall together, but fails to present reasons in support thereof as required under 37 CFR 1.192(c)(7). MPEP § 1206. In the appeal brief, section 7, Appellant states that “each of the retained claims constitutes a separate interacting combination of features to be considered on its own merits,” and the Examiner has interpreted this statement as saying that claims 10 and 12 do not stand and fall together. However, there is no reason in support of claim 12. It is further noted that Appellant erroneously states, “claims 10-12 are rejected as anticipated by Schoendelen 1,578,854 under 35 USC 102(b),” in section 3 of the appeal brief. In Paper No. 09, the Office Action Summary page clearly states that claims 10, 12 and 17 are rejected, and claims 11, 14, 15 and 18 are withdrawn from consideration. The Examiner recognizes that in paragraph 7 of the Office Action it is stated, “claims 10-13 and 16 are rejected,” however, further in the paragraph only claims 10 and 12 are rejected by citing specific elements of the limitations. The record clearly shows that claims 10, 12 and 17 are rejected, and claims 11, 14, 15 and 18 are non-elected claims. The appeal brief should be corrected in this respect.

Appellant is required to comply with provisions of 37 CFR 1.192(c).

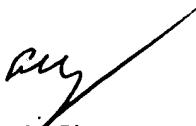
To avoid dismissal of the appeal, Appellant must comply with the provisions of 37 CFR 1.192(c) within the longest of any of the following TIME PERIODS: (1) ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing of this communication; (2) within the time period for reply to the action from which appeal has been taken; or (3) within two months

from the date of the notice of appeal under 37 CFR 1.191. Extensions of these time periods may be granted under 37 CFR 1.136.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 703-305-4949. The examiner can normally be reached on Monday thru Friday between 8am and 5pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Allan Shoap can be reached on 703-308-1082.

In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9306. Any inquiry of a general nature or relating to the status of this application should be directed to the receptionist whose telephone number is 703-308-1148.


IH
January 12, 2004


an
Allan N. Shoap
Supervisory Patent Examiner
Group 3700